

# DECISION



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THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-217298

DATE: January 8, 1985

MATTER OF: Seaton Van Lines, Inc.

## DIGEST:

1. GAO will not review affirmative determination of responsibility except in limited circumstances.
2. The possibility of a buy-in is not illegal and does not provide a basis upon which an award may be challenged.

Seaton Van Lines, Inc. (Seaton), protests a potential award of a contract for storage and warehousing to either James B. Studdard Transfer and Storage Co., Inc. (Studdard), or Development, Inc., under solicitation No. DABT 19-84-B-0079, issued by the Department of the Army.

Seaton contends that Studdard and Development, the low and second low bidders, are not responsible because they bid too low a price to be able to perform and that both bids are a buy-in and the bids should be rejected as nonresponsive. Moreover, Seaton contends that neither bidder has the personnel to perform the contract.

All of Seaton's protest grounds relate to responsibility which we do not review absent a showing that the determination was made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(g)(4) (1984); Clark International Security, Inc., B-216320, Sept. 28, 1984, 84-2 C.P.D. ¶ 369. Neither exception is alleged here. Moreover, the possibility of a buy-in is not illegal and does not provide a basis upon which an award may be challenged. Decom Systems, Inc., B-215167, Sept. 24, 1984, 84-2 C.P.D. ¶ 333.

The protest is dismissed.

*Harry R. Van Cleve*  
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General Counsel

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